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Attorneys for Defendants,
COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY
(Defendants is exempt from filing fees pursuant to Government Code § 6103)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIFF,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

Defendants.

Case No.: 2:22-cv-05367 RGK(MAAx)

**DECLARATION TO MOLSHREE
GUPTA IN SUPPORT OF
DEFENDANTS, COUNTY OF LOS
ANGELES AND SERGEANT TRAVIS
KELLY'S APPLICATION TO
CONTINUE TRIAL AND PRE-TRIAL
DEADLINES**

Action Filed: August 3, 2022

Pretrial Conference: July 10, 2023

Trial Date: July 25, 2023

Assigned to:

Hon. R. Gary Klausner, District Judge
Courtroom 850

All Discovery Matters Referred to:

Hon. Maria A. Audero, District Judge

DECLARATION OF MOLSHREE GUPTA

I, MOLSHREE, ESQ., declare and state as follows:

1. I am an attorney at law duly licensed to practice as such before all the courts of the State of California and am a partner in the law offices of Kjar, McKenna & Stockalper, LLP, attorneys of record for moving parties, COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY in the action entitled *Assiff v. County of Los Angeles, et al*, Case Number 2:22-cv-05367 RGK(MAAX).

2. I have personal knowledge of the matters set forth herein, and if called to testify, I could and would competently testify to the facts set forth in this Declaration based upon my personal knowledge.

3. Plaintiff filed this action on August 2, 2023.

4. On November 7, 2022, this Court set a Jury Trial to proceed on July 25, 2023, at 9:00 a.m., and a Pretrial Conference for July 10, 2023, at 9:00 a.m. (*See Docket #23, Minute Order re Pre-Trial and Trial Dates.*) On the same date, the Court set a motion cut-off date of May 10, 2023, and a discovery cut-off date of April 26, 2023. (*See Docket #23.*)

5. On March 31, 2023, without first inquiring as to the parties' availability, Plaintiff served notices for the depositions of Defendants Kelly and the County's person most knowledgeable for April 25 and 26, 2023, respectively. Plaintiff had previously noticed these depositions or requested the availability of these parties for a deposition; these depositions were set unilaterally.

6. On April 5, 2023, the parties filed a Joint Stipulation to extend pre-trial deadlines, and a proposed order. (*See Docket #41.*) On April 7, 2023, this Court entered an order to extend pre-trial deadlines as follows: 1) the Discovery cut-off is continued to May 10, 2023; the expert disclosure deadline is continued to May 10, 2023; the Motion cut-off is continued to May 24, 2023; the ADR completion deadline is continued to June 9, 2023. (*See Docket #42.*)

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1 7. Thereafter, counsel for Defendants learned that Defendant Kelly was out on
2 medical leave due to a work-related injury. On April 12, 2023, counsel for Defendants
3 advised Plaintiff's counsel of the same. Attached hereto as **Exhibit A** is a true and
4 correct copy of my April 12, 2023 correspondence with Plaintiff's counsel. Upon further
5 investigation, it was discovered that Defendant Kelly would not return to work prior to
6 the discovery cut-off date of May 17, 2023. On April 13, 2023, counsel for Defendants
7 advised Plaintiff's counsel of the foregoing, and requested a stipulation to continue Trial
8 and related dates. Attached hereto as **Exhibit B** is a true and correct copy of my April
9 13, 2023 correspondence with Plaintiff's counsel. In response, Plaintiff's counsel took
10 the position that Defendant Kelly's unavailability due to medical leave would not impact
11 his ability to participate in this litigation. Plaintiff's counsel declined to stipulation to
12 continue, as requested.

13 8. On April 17, 2023, Defendants served objections to Plaintiff's notices for
14 the depositions of Defendants Kelly and the County's person most knowledgeable. On
15 April 24, 2023, counsel for Defendant again wrote to Plaintiff's counsel to request a
16 stipulation to continue Trial and related dates – to attempt a second meet and confer on
17 the issue. Attached hereto as **Exhibit C** is a true and correct copy of my April 24, 2023
18 correspondence with Plaintiff's counsel. Plaintiff's counsel declined to stipulation to
19 continue, as requested.

20 9. Thereafter, Defendant began preparing this Motion. However, due to
21 Defendant Kelly's medical leave, counsel for Defendants had some difficulty in reaching
22 him to obtain his Declaration in support of this Motion. This Motion is filed upon
23 receipt of Defendant Kelly's supporting Declaration, which is required to establish good
24 cause for this Motion.

25 10. Prior to the discovery cut-off, I informed Plaintiff's counsel that Defendant
26 Kelly agreed to appear for a deposition prior to his June 1, 2023, doctor's appointment,
27 but requested that Plaintiff's counsel agree to proceed via Zoom or another virtual
28 platform, and, pursuant to applicable procedural and time limitations, further agree to

1 suspend the deposition to be rescheduled for a mutually agreeable date if Defendant
2 Kelly is unable to complete his deposition in one session due to his condition. Attached
3 hereto as **Exhibit D** is a true and correct copy of my May 8-9, 2023 correspondence with
4 Plaintiff's counsel. Despite this offer, Plaintiff's counsel has chosen not to
5 accommodate Defendant Kelly's request for accommodations due.

6 11. The Trial in this matter has not previously been continued. Defendants
7 request a continuance of the Trial and pre-Trial dates of approximately 90 days to
8 complete the deposition of Defendant Kelly and to obtain any supplemental expert
9 opinions based on the same.

10 12. Defendants request this continuance because Defendant Kelly has been on
11 medical leave and is presently unaware whether he is able to sit for a deposition or
12 otherwise participate in the currently scheduled Trial, and the conditions or restrictions
13 under which he can do so. It is my understanding and belief that this information cannot
14 be determined until Defendant Kelly's June 1, 2023 doctor's appointment.

15 13. Plaintiff will not be prejudiced by this request, as he has requested and
16 indicated that he requires Defendants' depositions in this action.

17
18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 Executed on May 10, 2023, at El Segundo, California.

21
22 /s/Molshree Gupta
23 MOLSHREE GUPTA
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CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On May 10, 2023, I served the foregoing document described as **DECLARATION TO MOLSHREE GUPTA IN SUPPORT OF DEFENDANTS, COUNTY OF LOS ANGELES AND SERGEANT TRAVIS KELLY'S APPLICATION TO CONTINUE TRIAL AND PRE-TRIAL DEADLINES** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

By Mail I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

XX **By Email** Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is mnixon@kmslegal.com.

By Personal Service I caused such document to be Personally Served on the parties listed in the Service List.

XX **State** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 10, 2023, at El Segundo, California.



Maria Nixon

SERVICE LIST

Assiff, Joshua vs. County of Los Angeles, et al.

Central District- Case No.: 2:22-cv-05367 RGK(MAAX)

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